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Judges exonerate two men in 2000 killing

BY FRED CLASEN-KELLY
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Charlotte attorney Chris Fialko walked out of jail with a client Thursday and watched as the man hugged his 10-year-old daughter for the first time.

Fialko represented Robert Wilcoxson, who spent a decade in prison before a three-judge panel exonerated him and Kenny Kagonyera on Thursday for a Buncombe County murder in 2000.

It was only the second case in which defendants were freed since the state created a special panel to investigate claims of innocence five years ago.

Authorities incarcerated Wilcoxson, now 32, two

months before his daughter was born in December 2000. When Wilcoxson embraced his daughter outside the Buncombe County Detention Center in Asheville Thursday, "it was a remarkable moment," Fialko said. "I was humbled."

Wilcoxson and Kagonyera pleaded guilty to second-degree murder in the 2000 death of Walter Bowman of Fairview. The victim was killed when several men wearing bandanas over their faces forced their way into his house.

Kagonyera, 31, and Wilcoxson claim they took the plea deals only because they were afraid they would be charged with first-degree murder and sen-

SEE KILLING, 3B

"Kenny's voice
finally got heard."

NOELL TIN
KENNY KAGONYERA'S ATTORNEY

KILLING

■ from 1B

tenced to death. The N.C. Innocence Inquiry Commission, the only state agency in the nation whose purpose is to look into such claims, determined in April that the case deserved further review.

Convictions can be overturned only if a three-judge panel unanimously agrees after listening to testimony.

In the Wilcoxson and Kagonyera case, DNA evidence helped exclude the men as suspects. Wilcoxson remained

confident throughout the seven days of testimony that the judges would find him innocent, Fialko said. "He had faith throughout,"

Fialko said, describing the case as the most difficult in his 19-year career. "Maybe he had more faith than me."

The case validates state lawmakers' decision to form the Innocence Inquiry Commission, he said, because "we have the best criminal justice system in the

world, but it is imperfect."

Charlotte attorney Noell Tin represented Kagonyera. "I am very happy Kenny's voice finally got heard," Tin said.

The ruling came a day after Georgia executed death row inmate Troy Davis, who maintained that he did not kill a police officer 22 years ago. The execution sparked outcry worldwide and debate about wrongful convictions.

Lawyers at the Center for Death Penalty Litigation in Durham said the North Carolina case also highlights "grave dangers" of the capital punishment system.

Despite repeatedly declaring their innocence, Wilcox-



Fialko



Tin

son and Kagonyera pleaded guilty, the lawyers said, because they were threatened with the death penalty and feared execution.

"Along with executing an innocent person, coercing a guilty plea with the threat of lethal injection underscores the terrific risk associated with having a death penalty," Ken Rose, an attorney with the Durham center, said in a prepared statement. — THE ASSOCIATED PRESS AND (RALPH) NEWS & OBSERVER STAFF WRITER ANNE BLYTHE CONTRIBUTED.